

United States Magistrate Judge Charles H. Weigle recommends (i) denying Barrion's motions for summary judgment, (ii) denying the Defendants' motion for summary judgment as to the excessive force and conditions of confinement claims for damages against Thomas, McLaughlin, and Eaddie in their individual capacities based on Thomas cross-cuffing Barrion on the return trip from Augusta State Medical Prison ("ASMP") on November 6, 2017, and (iii) granting the Defendants' motion for summary judgment as to all other claims.

First, the Magistrate Judge recommends denying Barrion's motions for summary judgment. Barrion filed an objection and additional documents that could be construed as objections (Docs. 79; 80; 84; 85; 88), so pursuant to 28 U.S.C. § 636(b)(1), the Court reviews de novo those portions of the Recommendation to which Barrion objects. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge regarding the denial of Barrion's motions for summary judgment. That portion of the Recommendation (Doc. 76) is **ADOPTED** and made the Order of the Court, and Barrion's motions for summary judgment (Docs. 59; 67) are **DENIED**.

The Magistrate Judge also recommends granting in part and denying in part the Defendants' motion for summary judgment. Both parties filed objections (Docs. 79; 80; 84; 85; 88; 81), so pursuant to 28 U.S.C. § 636(b)(1), the Court reviews de novo those portions of the Recommendation to which the parties object. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. That portion of the Recommendation (Doc. 76) is **ADOPTED** and made the Order of the Court, and the Defendants' motion for summary judgment (Doc. 69) is **GRANTED in part** and **DENIED in part**. It is **DENIED** as to the claims against Defendants Thomas, Eaddie, and McLaughlin in their individual capacities for damages based on Thomas's cross-cuffing Barrion while he was being transported from Augusta State Medical Prison to Macon State Prison on November 6, 2017, and it is **GRANTED** as to all other claims.

Finally, Barrion filed two motions to appoint counsel. "Appointment of counsel in a civil case is not a constitutional right." *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir.

1985). Rather, “it is a privilege that is justified only by exceptional circumstances.” *Id.*

In deciding whether legal counsel should be provided, the Court considers, among other factors, the merits of Plaintiff’s claim and the complexity of the issues presented. *Holt v. Ford*, 862 F.2d 850, 853 (11th Cir. 1989). Here, the factual basis of Barrion’s claims—allegedly being cross-cuffed despite an injury during transportation from ASMP to Macon State Prison on November 6, 2017—is straightforward. Similarly, the relevant legal doctrines are readily apparent. The Court concludes that no exceptional circumstances justifying appointment of counsel are present in this case. Barrion’s motions to appoint counsel (Docs. 79; 85) are therefore **DENIED**.

SO ORDERED, this 19th day of March, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT